SUBJECT INDEX

[Titles of Articles are printed in CAPITALS]

ADMINISTRATIVE LAW
THE COURTS, THE HUMAN RIGHTS ACT AND JUDICIAL REVIEW (Professor Paul Craig) 589
AGENCY
Casual Delegation (F.M.B. Reynolds) 180
Civil Liability for Bribery (Charles Mitchell) 207
Civil Liability for Bribery (No. 2) (K. R. Handley) 536
IMPUTED KNOWLEDGE IN AGENCY LAW—EXCISING THE FRAUD EXCEPTION (Professor Peter Watts) 300
THE PRINCIPLE IN BIRD V. BROWN REVISITED (Tan Cheng-Han) 626
AUSTRALIA
A New Dawn for Patients Rights? (Kumaralingam Amirthalingam) 532
Casual Delegation (F. M. B. Reynolds) 180
CANADA
Tender Call Obligations in Canada (I. N. Duncan Wallace) 351
COMPANY LAW
Equity Capital without Shares (H. W. Higginson) 386
The Shareholder as Co-Promisee (Peter Watts) 388
CONFLICT OF LAWS
Constructive Trustees and the Brussels Convention (T.M. Yeo) 560
Forum Non Conveniens Revisited (Edwin Peel) 187
CONSTITUTIONAL LAW
THE COMMON LAW AND THE POLITICAL CONSTITUTION (Professor J. A. G. Griffith) 42
THE COMMON LAW AND THE POLITICAL CONSTITUTION: A REPLY (The Rt. Hon. Sir Stephen Sedley) 68
THE CONSTITUTIONAL FOUNDATIONS OF THE EUROPEAN UNION (Professor Trevor C. Hartley) 225
A NEW CONSTITUTION FOR A NEW STATE? THE 1707 UNION OF ENGLAND AND SCOTLAND (Elizabeth Wicks) 109
CONSTITUTIONAL LAW—*cont.*
State Necessity and Revolutionary Legality in Fiji (N. W. Barber) 408
CONSUMER LAW
Compensating Patients (Christopher Hodges) 528
Judicial Interventionism and Consumer Contracts (Simon Whittaker) 215
CONTRACT
Distributing the Risk of Contract Fraud (Dominic O'Sullivan) 381
Economic Duress by (Threatened) Breach of Contract (Rick Bigwood) 376
Exemplary Damages for Breach of Contract (James Edelman) 539
Interpretation of Commercial Contracts (Steven Gee) 358
Judicial Interventionism and Consumer Contracts (Simon Whittaker) 215
Performance Interest, Panatown and the Problem of Loss (Professor Brian Coote) 81
POLICY CONCERNS BEHIND IMPLICATION OF TERMS IN LAW (Elisabeth Peden) 459
Reasonable Exemption Clauses (Edwin Peel) 545
Section 2(2) of the Misrepresentation Act (Dandy Malet) 524
Tender Call Obligations in Canada (I. N. Duncan Wallace) 351
COURTS AND JUDGES
Due Process—Philosopher's Stone or Fool's Gold? (Derek O'Brien and Vaughan Carter) 220
CRIMINAL LAW
Clouded Acquittal (Colin Tapper) 1
Due Process—Philosopher's Stone or Fool's Gold? (Derek O'Brien and Vaughan Carter) 220

CRIMINAL LAW—*cont.*
Res Judicata Rejected
(Peter Mirfield) 194

DAMAGES
Exemplary Damages for Breach of Contract
(James Edelman) 539
One Cause After Another
(Louise Gullifer) 403
THE PERFORMANCE INTEREST, PANATOWN, AND THE PROBLEM OF LOSS
(Professor Brian Coote) 81
Psychiatric Damage where the Defendant is the Immediate Victim
(Peter Handford) 397
Section 2(2) of the Misrepresentation Act 1967
(Dandy Malet) 524

DEFAMATION
Malice and the Defence of Fair Comment
(F. A. Trindade) 169
Political Libel in New Zealand
(N. W. Barber and Alison L. Young) 175

DIVORCE AND MATRIMONIAL CAUSES
Asset Distribution on Divorce—the Durational Element
(John Eekelaar) 552
Fairness in Financial Settlements on Divorce
(Rebecca Bailey-Harris) 199

EDUCATION
Education and Local Authorities
(M. C. Harris) 25

EMPLOYMENT LAW
LEGAL COHERENCE AND THE EMPLOYMENT REVOLUTION
(Douglas Brodie) 604

ESTOPPEL
Change of Position and Estoppel
(Eugene Fung and Lusina Ho) 14

EUROPEAN COMMUNITIES
THE CONSTITUTIONAL FOUNDATIONS OF THE EUROPEAN UNION
(Professor Trevor C. Hartley) 225
The E.C.J. and Commercial Certainty
(Stephen Weatherill) 213

EVIDENCE
Clouded Acquittal
(Colin Tapper) 1
Res Judicata Rejected
(Peter Mirfield) 194

FALSE IMPRISONMENT
The Temporal Element in Law
(Peter Cane) 5

FAMILY LAW
Deceit within Couples
(Roderick Bagshaw) 571

FIJI
State Necessity and Revolutionary Legality in Fiji
(N. W. Barber) 408

FRAUD
Civil Liability for Bribery
(Charles Mitchell) 207
Civil Liability for Bribery (No. 2)
(K.R. Handley) 536
Distributing the Risk of Contract Fraud
(Dominic O'Sullivan) 381
IMPUTED KNOWLEDGE IN AGENCY LAW—EXCISING THE FRAUD EXCEPTION
(Professor Peter Watts) 300

HONG KONG
Limitation and Latent Damage in Hong Kong
(Nicholas J. Mullany) 20

HUMAN RIGHTS
THE COURTS, THE HUMAN RIGHTS ACT AND JUDICIAL REVIEW
(Professor Paul Craig) 589
THE EUROPEAN CONVENTION AND NEGLIGENCE ACTIONS: OSMAN *"Reviewed"*
(A. C. L. Davies) 521
The True "Horizontal Effect" of the Human Rights Act 1998
(Nicholas Bamforth) 34

INTERNATIONAL LAW
Access to Justice and State Immunity
(Hazel Fox) 10

LEGAL HISTORY
CUTTER V. POWELL: A TRIP OUTSIDE THE TEXT
(Professor Martin Dockray) 664
THE DEVELOPMENT OF QUALITY OBLIGATIONS IN SALE OF GOODS
(Paul Mitchell) 645
JOHANNA WAGNER AND THE RIVAL OPERA HOUSES
(Professor Stephen Waddams) 431
A NEW CONSTITUTION FOR A NEW STATE? THE 1707 UNION OF ENGLAND AND SCOTLAND
(Elizabeth Wicks) 109

LOCAL GOVERNMENT
Education and Local Authorities (M. C. Harris) 25

MEDICAL LAW
A New Dawn for Patients Rights? (Kumaralingam Amirthalingam) 532
Compensating Patients (Christopher Hodges) 528

MINORS, INFANTS, CHILDREN AND YOUNG PERSONS
Applications by Children: Still Seen but not Heard? (Caroline Sawyer) 203

MISREPRESENTATION
Section 2(2) of the Misrepresentation Act 1967 (Dandy Malet) 524

MORTGAGES
SEVERANCE OF JOINT TENANCY OF LAND BY PARTIAL ALIENATION (Barry C. Crown) 477

NEGLIGENCE
Education and Local Authorities (M.C. Harris) 25
THE EUROPEAN CONVENTION AND NEGLIGENCE ACTIONS: OSMAN "*Reviewed*" (A. C. L. Davies) 521
Liability for the Criminal Acts of Third Parties (Margaret Fordham) 178
Limitation and Latent Damage in Hong Kong (Nicholas J. Mullany) 20
Remoteness: some unexpected mischief (Robert Williams) 30
Res Ipsa Loquitur: Some Last Words? (Christian Witting) 392

NEW ZEALAND
Distress, Disorder and Duty of Care: the New Zealand Front (Nicholas J. Mullany) 182
Political Libel in New Zealand (N. W. Barber and Alison L. Young) 175

PERSONAL PROPERTY
Unclean Hands and the Doctrine of *Jus Tertii* (Joshua Getzler) 565

REAL PROPERTY
SEVERANCE OF JOINT TENANCY OF LAND BY PARTIAL ALIENATION (Barry C. Crown) 477

RESTITUTION
Change of Position and Estoppel (Eugene Fung and Lusina Ho) 14
Permitting a Trustee to Retain a Profit (Alan Berg) 366
ON THE SUBSIDIARITY OF UNJUST ENRICHMENT (Ross Grantham and Professor Charles Rickett) 273
PROPRIETARY RESTITUTION: UNMASKING UNJUST ENRICHMENT (Professor Andrew Burrows) 412

SALE OF GOODS
THE DEVELOPMENT OF QUALITY OBLIGATIONS IN SALE OF GOODS (Paul Mitchell) 645

SCOTLAND
JUDICIAL NOTICE AND STATUTE LAW (Professor Gerry Maher) 71
A NEW CONSTITUTION FOR A NEW STATE? THE 1707 UNION OF ENGLAND AND SCOTLAND (Elizabeth Wicks) 109

SHIPPING AND NAVIGATION
Interpretation of Commercial Contracts (Steven Gee) 358

STATUTES
THE ROLE OF STATUTE IN THE DEVELOPMENT OF COMMON LAW DOCTRINE (Professor J. Beatson, Q.C.) 247

STATUTORY INTERPRETATION
JUDICIAL NOTICE AND STATUTE LAW (Professor Gerry Maher) 71

SUCCESSION
Visiting the Sins of the Fathers on their Children (Roger Kerridge) 371

TAXATION
TAX AND THE TAXPAYER (the Rt Hon. Lord Templeman) 575

TORT
Casual Delegation (F. M. B. Reynolds) 180
Civil Liability for Bribery (Charles Mitchell) 207
Civil Liability for Bribery (No. 2) (K. R. Handley) 536
Deceit Within Couples (Roderick Bagshaw) 571
Distress, Disorder and Duty of Care: the New Zealand Front (Nicholas J. Mullany) 182

TORT—*cont.*
Tender Call Obligations in Canada
(I. N. Duncan Wallace) 351
Unclean Hands and the Doctrine of *Jus Tertii*
(Joshua Getzler) 565
TRUSTS AND SETTLEMENTS
Constructive Trustees and the Brussels Convention
(T. M. Yeo) 560
TRUSTS AND SETTLEMENTS —*cont.*
DEVELOPING THE OBLIGATION CHARACTERISTIC OF THE TRUST
(Professor David Hayton) 96
Permitting a Trustee to Retain a Profit
(Alan Berg) 366